

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/28/2007**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Peck**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Peck -

Topic:

Financial incentives to discourage use of lawful product

Instructions:

See Attached--AB258, i.e., exception to employment discrimination law permitting employers to offer financial incentives to encourage or discourage use of lawful product

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 06/28/2007	lkunkel 06/28/2007		_____			
/1			jfrantze 06/28/2007	_____	lparisi 06/28/2007		

FE Sent For:

<END>

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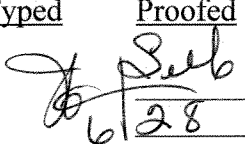
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/?	gmalaie						

FE Sent For:

<END>

Malaise, Gordon

From: Peck, Eric
Sent: Wednesday, June 27, 2007 3:03 PM
To: Malaise, Gordon
Cc: Morgan, Charlie
Subject: Drafting Instructions - Permit Employer to offer financial incentives

Hi Gordon: As you know, we've been asked by the Assembly Republicans to have a number of amendments drafted to the JFC version of the budget bill. I am directing this one to you because I think you may have drafted LRB - 2069/1 (2007 AB 258). They would like AB 257 put into the JFC budget bill. 8

Thanks Gordon. Please give me a call if you have any questions.

Eric Peck, Fiscal Analyst
Wisconsin Legislative Bureau
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Madison, WI 53703
Telephone: (608) 266-3847
FAX: (608) 267-6873
Email: Eric.Peck@legis.state.wi.us

2007

Date (time)
needed _____

LRB b 0841 / 1

BUDGET SUPERAMENDMENT

[FOR ASSEMBLY SUPER]

GMM : Imk :
sjld

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2007 SENATE BILL 40**

>>FOR ASSEMBLY SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 1228, line 9...: after that line insert ⓐ

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

2007 ASSEMBLY BILL 258

April 10, 2007 – Introduced by Representatives NYGREN, MOULTON, ALBERS, BALLWEG, DAVIS, HINES, F. LASEE, LEMAHIEU, MONTGOMERY, MUSSEY, A. OTT, PETERSEN, STRACHOTA, TAUCHEN and VOS, cosponsored by Senators COWLES, ROESSLER and SCHULTZ. Referred to Committee on Insurance.

- 1 AN ACT *to amend* 111.35 (3) (a) (intro.) and 111.35 (3) (b) (intro.) of the statutes;
2 **relating to:** permitting an employer to offer financial incentives to encourage
3 or discourage employee use of a lawful product.

Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on use or nonuse of a lawful product off the employer's premises during nonworking hours. Current law specifies, however, that it is not employment discrimination based on use or nonuse of a lawful product off the employer's premises during nonworking hours for an employer to offer a policy or plan of life, health, or disability insurance coverage under which the type or price of coverage for an individual who uses a lawful product differs from the type or price of coverage provided for an individual who does not use the lawful product.

This bill specifies that it is not employment discrimination based on use or nonuse of a lawful product off the employer's premises during nonworking hours for an employer to offer financial incentives related to employee health care benefits that are intended to encourage or discourage use of a lawful product.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

④ SECTION 1. 111.35 (3) (a) (intro.) of the statutes is amended to read:

2661 (B)

ASSEMBLY BILL 258

SECTION 1

1 111.35 (3) (a) (intro.) Notwithstanding s. 111.322, it is not employment
2 discrimination because of use of a lawful product off the employer's premises during
3 nonworking hours for an employer, labor organization, employment agency,
4 licensing agency, or other person to offer financial incentives related to employee
5 health care benefits that are intended to discourage use of a lawful product. Those
6 financial incentives may include offering a policy or plan of life, health, or disability
7 insurance coverage under which the type of coverage or the price of coverage for an
8 individual who uses a lawful product off the employer's premises during nonworking
9 hours differs from the type of coverage or the price of coverage provided for an
10 individual who does not use that lawful product, if all of the following conditions
11 apply:

Handwritten notes:
A circle around "2661" with an arrow pointing to "§ 111.35 (3) (a)".
A box containing "FYI" and "('s' as in 'sam')".

12 **SECTION 2.** 111.35 (3) (b) (intro.) of the statutes is amended to read:

13 111.35 (3) (b) (intro.) Notwithstanding s. 111.322, it is not employment
14 discrimination because of nonuse of a lawful product off the employer's premises
15 during nonworking hours for an employer, labor organization, employment agency,
16 licensing agency, or other person to offer financial incentives related to employee
17 health care benefits that are intended to encourage use of a lawful product. Those
18 financial incentives may include offering a policy or plan of life, health, or disability
19 insurance coverage under which the type of coverage or the price of coverage for an
20 individual who does not use a lawful product off the employer's premises during
21 nonworking hours differs from the type of coverage or the price of coverage provided
22 for an individual who uses that lawful product, if all of the following conditions apply: *Handwritten mark: a circle with a checkmark.*

23 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0841/1
GMM:lmk&jld:jf

LFB:.....Peck - Financial incentives to discourage use of lawful product

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1228, line 9: after that line insert:

3 **"SECTION 2661r.** 111.35 (3) (a) (intro.) of the statutes is amended to read:

4 111.35 **(3)** (a) (intro.) Notwithstanding s. 111.322, it is not employment
5 discrimination because of use of a lawful product off the employer's premises during
6 nonworking hours for an employer, labor organization, employment agency,
7 licensing agency, or other person to offer financial incentives related to employee
8 health care benefits that are intended to discourage use of a lawful product. Those
9 financial incentives may include offering a policy or plan of life, health, or disability
10 insurance coverage under which the type of coverage or the price of coverage for an

1 individual who uses a lawful product off the employer's premises during nonworking
2 hours differs from the type of coverage or the price of coverage provided for an
3 individual who does not use that lawful product, if all of the following conditions
4 apply:

5 **SECTION 2661s.** 111.35 (3) (b) (intro.) of the statutes is amended to read:

6 111.35 (3) (b) (intro.) Notwithstanding s. 111.322, it is not employment
7 discrimination because of nonuse of a lawful product off the employer's premises
8 during nonworking hours for an employer, labor organization, employment agency,
9 licensing agency, or other person to offer financial incentives related to employee
10 health care benefits that are intended to encourage use of a lawful product. Those
11 financial incentives may include offering a policy or plan of life, health, or disability
12 insurance coverage under which the type of coverage or the price of coverage for an
13 individual who does not use a lawful product off the employer's premises during
14 nonworking hours differs from the type of coverage or the price of coverage provided
15 for an individual who uses that lawful product, if all of the following conditions
16 apply:".

17 (END)